

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION

KENNETH E. SAVAGE, JR.,

Plaintiff,

vs.

2:14-cv-02057-STA-dkv

FEDERAL EXPRESS CORPORATION,

d/b/a FEDEX EXPRESS, FEDEX

CORPORATION EMPLOYEES'

PENSION PLAN, FEDEX

CORPORATION RETIREMENT

SAVINGS PLAN,

Defendants.

F.R.C.P. 30(b)(6) CORPORATE REPRESENTATIVE DEPOSITION
OF MS. LINDA DANIEL

June 3, 2015

A P P E A R A N C E S

For the Plaintiff:

MR. JOSEPH NAPILTONIA

Attorney at Law

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San Antonio, Texas 78259

For the Defendants:

MR. DAVID P. KNOX

Federal Express

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Exhibit H

1 The F.R.C.P. 30(b)(6) Corporate
 2 Representative Deposition of MS. LINDA DANIEL was taken
 3 at the instance of the Plaintiff, pursuant to notice,
 4 on the 3rd day of June, 2015, beginning at
 5 approximately 11:29 a.m. and ending at approximately
 6 11:41 a.m., at the offices of Federal Express, Memphis,
 7 Tennessee, for use pursuant to the Federal Rules of
 8 Civil Procedure before Jill A. Schaffer, Registered
 9 Professional Reporter, Licensed Court Reporter, and
 10 Notary Public for the State of Tennessee.

11 Counsel stipulated that all objections,
 12 except as to the form of the questions, were reserved
 13 to on or before the hearing and that all forms and
 14 formalities, including the reading and signing of the
 15 completed deposition by the witness, were expressly
 16 waived.
 17

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I N D E X

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1 see. And -- and within my department, then I'm -- I'm
2 responsible for -- for a number of benefit systems
3 and -- and processes that go on within that, but a
4 senior -- a senior member of the staff.

5 Q Okay. How long have you been with FedEx?

6 A 28 years.

7 Q All right. What did you do to prepare for your
8 deposition today?

9 A I looked at the communication that was in our
10 system that went to the employee. And I looked at our
11 information related to the benefits that he had because
12 I wasn't certain when I started looking and looked at
13 information related to any calls that he -- he might
14 have had with our agents about his benefits.

15 Q All right. Well, let's start with any
16 investigation that was done. What investigation was
17 done into this matter?

18 A None.

19 Q Okay. And why is that?

20 A Because there's no call from the employee about
21 this matter.

22 Q Okay. All right. So it's -- it's the defendants'
23 position that Mr. Savage never called anybody at FedEx
24 in general or in your department?

25 A Never called benefits. I don't know the details

1 there is no record of Mr. Savage calling FedEx benefits
2 and inquiring about this matter.

3 A That's correct.

4 Q So in the first part of topic 11 where it says
5 "State in detail the circumstances surrounding
6 Plaintiff's claim that FedEx inappropriately failed to
7 suspend his dental, disability, and death benefits
8 while he was performing military service," you're not
9 prepared to answer that question because you're -- at
10 least your investigation has found that there's no
11 record of Mr. Savage even calling. Correct?

12 MR. KNOX: Object -- I'm going to object
13 to the form of that question.

14 MR. NAPILTONIA: Okay. Let me rephrase
15 it.

16 MR. KNOX: Thank you.

17 MR. NAPILTONIA: Let me rephrase it.

18 Q (By Mr. Napiltonia) Okay. So it -- topic
19 number 11 says "State in detail the circumstances
20 surrounding Plaintiff's claim that FedEx
21 inappropriately failed to suspend his dental,
22 disability, and death benefits."

23 The circumstances surrounding it, as I understand
24 it from your testimony, is that Mr. Savage never called
25 the benefits center.

1 A That's correct.

2 Q Or at least it wasn't logged.

3 A He did not call.

4 Q All right. So who would log it when an employee
5 calls?

6 A The agents that are taking those calls.

7 Q Okay. Did you in -- during your investigation,
8 did you speak to all of the agents that were on duty at
9 the time that Mr. Savage claims that --

10 MR. KNOX: Let me --

11 A No.

12 MR. KNOX: Hang on just a second.

13 If I can clarify. Because you said in
14 your question during her "investigation." I mean, is
15 that what you meant to say? Because I don't know that
16 she's -- do you mean in preparation for this
17 deposition?

18 MR. NAPILTONIA: Yeah. She's testifying
19 about the topic, so --

20 MR. KNOX: No. That's fine. But you
21 just used the word --

22 MR. NAPILTONIA: Yeah.

23 MR. KNOX: -- "investigation," and I'm
24 wondering --

25 MR. NAPILTONIA: Um-hum.

STATE OF TENNESSEE) C E R T I F I C A T E

I, Jill A. Schaffer, Registered Professional Reporter and Notary Public for the State of Tennessee, hereby certify that the witness in the foregoing deposition, **MS. LINDA DANIEL**, was first duly sworn by me, that the testimony of the witness was written stenographically by me, and that such deposition is a true and accurate record of the testimony given by said witness on the 3rd day of June, 2015.

I further certify that I am neither related to nor employed by any of the parties to this cause of action or their counsel, nor am I financially interested in the outcome of this matter.

I further certify that in order for this document to be authentic it must bear my original signature and embossed notarial seal, that reproduction in whole or in part is not allowed or condoned, and that such reproductions are deemed a forgery.

Witness my hand and seal at my office on this the 21st day of June, 2015.

My Commission Expires: August 23, 2017
My License Expires: June 30, 2016

Jill A. Schaffer, RPR, TN #375
Notary Public at Large for the
State of Tennessee

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